

## § 3286.1

3286.15 Consultation with the Manufactured Housing Consensus Committee (MHCC).

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AUTHORITY: 42 U.S.C. 3535(d), 5404, and 5424.

SOURCE: 73 FR 35292, June 20, 2008, unless otherwise noted.

## Subpart A—Generally Applicable Provisions and Requirements

### § 3286.1 Purpose.

(a) *Purpose.* The purpose of this part is to establish the regulations that are applicable to HUD's administration of an installation program that meets the requirements of sections 602 (42 U.S.C. 5401) and 605 (42 U.S.C. 5404) of the National Manufactured Housing Construction and Safety Standards Act of 1974. The purpose of this subpart A is to establish the regulations that are applicable with respect to all manufactured homes before they are sold to a purchaser. The requirements in subpart A apply regardless of whether the actual installation of a manufactured home is regulated by HUD or a state with a qualifying installation program.

(b) *Implementation.* This part is effective on October 20, 2008. Implementation will be undertaken in accordance

with the phased-in schedule provided by notice published in the FEDERAL REGISTER.

### § 3286.2 Applicability.

(a) *All states.* The requirements in subpart A are applicable in all states.

(b) *States without installation programs.* The requirements in subparts B through H of this part are applicable only in those states where HUD is administering an installation program in accordance with this part.

(c) *States with installation programs.* The requirements in subpart I of this part are applicable to only those states that want to administer their own installation programs in lieu of the installation program administered by HUD in accordance with this part.

(d) *Exclusion.* None of the requirements of this part apply to:

(1) Any structure that a manufacturer certifies as being excluded from the coverage of the Act in accordance with § 3282.12 of this chapter; or

(2) Temporary housing units provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*) to victims of Presidentially declared disasters, when the manufactured home is installed by persons holding an emergency contractor license issued by the state in which the home is sited or installed by the Federal Emergency Management Agency; or

(3) Any manufactured home after the initial installation of the home following the first purchase of the home in good faith for purposes other than resale. State installation programs may regulate subsequent installations of manufactured homes.

(4) Any manufactured home installed on Indian reservations.

### § 3286.3 Definitions.

The following definitions apply in this part, except as otherwise noted in the regulations in this part:

*Act* means the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401–5425.

*Certification of installation* means the certification, provided by an installer under the HUD-administered installation program in accordance with

§ 3286.111, that indicates that the manufactured home has been installed in compliance with the appropriate design and instructions and has been inspected as required by this part.

*Defect* means any defect in the performance, construction, components, or material of a manufactured home that renders the home or any part thereof not fit for the ordinary use for which it was intended.

*Design Approval Primary Inspection Agency (DAPIA)* means a state agency or private organization that has been accepted by the Secretary, in accordance with the requirement of subpart H of part 3282, to evaluate and either approve or disapprove manufactured home designs and quality control procedures.

*Distributor* means any person engaged in the sale and distribution of manufactured homes for resale.

*HUD* means the United States Department of Housing and Urban Development.

*HUD-administered installation program* means the installation program to be administered by HUD, in accordance with this part, in those states that do not have a qualifying installation program.

*Installation* means completion of work done specified in § 3286.505 to stabilize, support, anchor, and close up a manufactured home and to join sections of a multi-section manufactured home, when any such work is governed by the federal installation standards in part 3285 of this chapter or by state installation standards that are certified as part of a qualifying installation program.

*Installation defect* means any defect in the performance, installation, installation components, installation material, or close-up of a manufactured home that renders the home or any part thereof not fit for the ordinary use for which it was intended or otherwise takes the home out of compliance with the Manufactured Home Construction and Safety Standards in 24 CFR part 3280.

*Installation design* means drawings, specifications, sketches, and the related engineering calculations, tests, and data in support of the installation